IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CRIMINAL APPELLATE JURISDICTION

CRIMINAL APPLICATION NO. 4145 OF 2007

Ismail Ibrahim Sayyed. .. Applicant.

vs.

State of Maharashtra. .. Respondents.

Mr. A.M. Saraogi for Applicant.
Mr. D.P. Adsule, APP., for the State.
Mr. Vinod Shah for intervener.

CORAM: J.N. PATEL, J.

(VACATION COURT)

DATE: 27TH DECEMBER, 2007.

P.C.

. The application for intervention taken on record.

2. Heard.

3. This is an application for pre-arrest bail by the applicant who is a suspect of having committed offence under Section 307 read with 34 of IPC registered vide crime No. 335/07 by the Kandivali Police Station on 17.11.2007 on the complaint lodged by

Firoz Ibrahim Khan. The prosecution case is that due to business rivalry the applicant has hired co-accused in the case who assaulted the victim. Initially an offence under Section 324 read with 34 IPC came to be registered against the unknown suspects which also include a lady who lured the complainant at a secluded place by calling the complainant from Mobile No. 9224253532.

4. The co-accused have been arrested in the case and released on bail.

5. The learned counsel for the complainant has appeared in the matter and filed an application for intervention to oppose grant of pre-arrest bail.

6. This Court called upon the learned APP to produce the medico legal certificate issued in the case of Firoz Ibrahim Khan. On the basis of the facts which have come on record during investigation, prima facie, this Court finds that the offence has occurred due to business rivalry and it is a case under Section 324 read with 34 IPC. The applicant has no criminal antecedents to his discredit. Therefore, in the facts and circumstances, there is no reason why he should not be directed to be released on pre-arrest bail. Hence, the order.

ORDER

7. In the event the applicant is arrested by the Kandivali Police Station in Criminal Case No. 335/07, he shall be released on PR bond in the sum of Rs. 5,000/- with one surety in the saide amount on the condition that the applicant shall attend Kandivali Police Station daily between 11.00 a.m. to 5.00 p.m. for a period of seven days and, thereafter, as and when called by the Investigating officer for the purpose of investigation. He shall not commit any offence while on bail.

8. This Court would like to make it clear that the observations made by this Court that prima facie offence under Section 324 read with 34 IPC appears to have been committed should not influence the investigation and the learned Magistrate should proceed in accordance with law on the basis of the report filed by the police in the case on completion of investigation.

9. The application stands disposed of accordingly.

10. Parties to act on an ordinary copy of this order duly authenticated by the Private Secretary of this Court.

(J.N. Patel, J.)